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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,782	10/27/2003	Tzu-Yu Wang	12009-US-PA	2781
31561	7590	09/08/2005	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE			GURLEY, LYNNE ANN	
7 FLOOR-1, NO. 100			ART UNIT	
ROOSEVELT ROAD, SECTION 2			PAPER NUMBER	
TAIPEI, 100			2812	
TAIWAN			DATE MAILED: 09/08/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/605,782

Applicant(s)

WANG, TZU-YU

Examiner

Lynne A. Gurley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
LYNNE A. GURLEY

PRIMARY PATENT EXAMINER

TC 2800, AU 2812

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This Office Action is in response to the amendment, filed 6/21/05.

#### ***Specification***

1. The disclosure is objected to because of the following informalities: In paragraph [0004], lines 1-4, there is an incomplete sentence. Perhaps "Accompanying with" should be replaced by "In addition to" or "As a result of".

Appropriate correction is required.

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maiti et al. (US 5,885,870, dated 3/23/99) in view of Ohmi et al. (US 6,551,948, dated 4/22/03, filed 5/31/01).

Maiti shows the method substantially as claimed, in figures 1-5 and corresponding text, as, a method for forming a nitrated tunnel oxide layer 22 (fig. 4), comprising: forming a silicon oxide layer as a tunnel oxide layer 14/16/18/20 (figs. 1-3) on a semiconductor substrate 12; performing a nitridation process to introduce nitrogen atoms into the silicon oxide layer; and performing a thermal drive-in process to diffuse the introduced nitrogen atoms across the silicon oxide layer (column 2, lines 45-51). The Examiner takes the position that it is inherent that the annealing process will produce the nitrogen atoms to thermally diffuse across the silicon oxide layer. Also, see lines 6-9 for annealing relieving stress and densifying the silicon dioxide layer, which also inherently contributes to diffusivity. Also, see Ramsbey et al., US 6,252,276, column 6, lines 22-25, for subsequent annealing of nitrogen, after deposition, and its resulting diffusion through a tunnel oxide.). The nitridation process utilizes N<sub>2</sub> (column 2, lines 32-51). The thermal drive-in process comprises a furnace annealing process or a rapid thermal annealing process (column 3, lines 5-42). The thermal drive-in process is conducted under 850 to 1100 degrees C for 30 seconds to 1 hour (column 2, lines 44-51). Also, see column 3, lines 48-67; and, column 4, lines 1-6 and lines 18-20, especially where Maiti discloses that the process is not limited to any specific process chamber or diffusion system, could be insitu or be performed in multiple chambers and apparatuses.

Maiti lacks anticipation only in not specifically teaching that a plasma nitridation process is performed to introduce nitrogen atoms into the silicon oxide layer; that forming the silicon oxide layer comprises performing an in-situ steam generation (ISSG) process; the plasma nitridation process utilizes N<sub>2</sub> plasma; and, that the plasma nitridation process is conducted under a temperature lower than 400 degrees C .

Ohmi teaches a nitridation process for tunnel oxide, also in a flash memory device, wherein a low temperature (about 400 degrees C) plasma nitridation process is used to improve the characteristics of the tunnel oxide for benefits mentioned in Ohmi. See column 1, lines 14-17, lines 57-62; column 2, lines 30-41; column 3, lines 15-26; column 5, lines 15-20; column 6, lines 44-53; column 21, lines 50-59. Additionally, in embodiments 1-2, columns 8-14, Ohmi teaches that the process is applicable to both oxides and nitrides grown on a silicon substrate.

It would have been obvious to one of ordinary skill in the art to have had a plasma nitridation process performed to implant nitrogen atoms into the silicon oxide layer; to have had the plasma nitridation process utilize N<sub>2</sub> plasma; and, to have had the plasma nitridation process be conducted under a temperature lower than 400 degrees C, in the method of Maiti, with the motivation that Ohmi teaches a more efficient and highly effective low temperature process to use a plasma process to nitride the tunnel oxide grown on the silicon substrate, as an alternative to conventional thermal growth or CVD, while improving the device characteristics.

It would have also been obvious to one of ordinary skill in the art to have formed the silicon oxide layer comprising performing an in-situ steam generation (ISSG) process, in the method of Maiti, with the motivation that since Maiti forms the silicon oxide layer first, before nitriding, and Maiti discloses forming the silicon oxide by thermal process, a conventional ISSG

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steam process would have been efficient in forming the silicon oxide layer, prior to the plasma nitridation.

### ***Response to Arguments***

6. Applicant's arguments filed 6/21/05 have been fully considered but they are not persuasive. In response to Applicant's remarks, pages 6-9, Ohmi does teach plasma nitridation to form a nitrided dielectric layer. See embodiments 1-2. Maiti is relied on to teach the steps of forming a nitrided silicon oxide. Maiti is only lacking the specific mention of plasma process to form the nitride. Ohmi suggests to one of ordinary skill in the art that the plasma nitridation process to form a nitride is at least equivalent to, if not superior to alternative conventional processes to form the nitride layer. Ohmi teaches the specific reasons for and improvements gained by performing the nitridation by plasma.

7. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Han et al. (US 6,461,984 for a N<sub>2</sub>O plasma oxide as a tunnel oxide. Also, see

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Pham (US 2003/0073288, US 6,605,511) and Guo et al. (US 5,918,125) for disclosure of nitrated tunnel oxides.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynne A. Gurley whose telephone number is 571-272-1670. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lebentritt can be reached on 571-272-1873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lynne A. Gurley  
Primary Patent Examiner  
TC 2800, Art Unit 2812

LAG  
September 6, 2005